

machine to be activated, such program or part thereof is not accessed or used other than to make such new copy by virtue of the activation of the machine.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the 'maintenance' of a machine is the servicing of the machine in order to make it work in accordance with its original specifications and any changes to those specifications authorized for that machine; and

"(2) the 'repair' of a machine is the restoring of the machine to the state of working in accordance with its original specifications and any changes to those specifications authorized for that machine."

TITLE IV—EPHEMERAL RECORDINGS; DISTANCE EDUCATION; EXEMPTION FOR LIBRARIES AND ARCHIVES

SEC. 401. EPHEMERAL RECORDINGS.

Section 112 of title 17, United States Code is amended by—

(1) redesignating section 112(a) as 112(a)(1), and renumbering sections 112(a) (1), (2), and (3) as sections 112(a)(1) (A), (B), and (C), respectively;

(2) in section 112(a)(1), after the reference to section 114(a), add the words "or for a transmitting organization that is a broadcast radio or television station licensed as such by the Federal Communications Commission that broadcasts a performance of a sound recording in a digital format on a non-subscription basis,";

(3) adding new section 112(a)(2) as follows:

"(2) Where a transmitting organization entitled to make a copy or phonorecord under section 112(a)(1) in connection with the transmission to the public of a performance or display of a work pursuant to that section is prevented from making such copy or phonorecord by reason of the application by the copyright owner of technical measures that prevent the reproduction of the work, such copyright owner shall make available to the transmitting organization the necessary means for permitting the making of such copy or phonorecord within the meaning of that section, provided that it is technologically feasible and economically reasonable for the copyright owner to do so, and provided further that, if such copyright owner fails to do so in a timely manner in light of the transmitting organization's reasonable business requirements, the transmitting organization shall not be liable for a violation of section 1201(a)(1) of this title for engaging in such activities as are necessary to make such copies or phonorecords as permitted under section 112(a)(1)."

SEC. 402. LIMITATIONS ON EXCLUSIVE RIGHTS; DISTANCE EDUCATION.

(a) Not later than six months after the date of enactment of this Act, the Register of Copyrights, after consultation with representatives of copyright owners, nonprofit educational institutions and nonprofit libraries and archives, shall submit to the Congress recommendations on how to promote distance education through digital technologies, including interactive digital networks, while maintaining an appropriate balance between the rights of copyright owners and the needs of users. Such recommendations shall include any legislation the Register of Copyrights considers appropriate to achieve the foregoing objective.

(b) In formulating recommendations, the Register of Copyrights shall consider—

(1) the need for an exemption from exclusive rights for distance education through digital networks;

(2) the categories of works to be included under any distance education exemption;

(3) the extent of appropriate quantitative limitations on the portions of works that may be used under any distance education exemption;

(4) the parties who should be entitled to the benefits of any distance education exemption;

(5) the parties who should be designated as eligible recipients of distance education materials under any distance education exemption;

(6) whether and what types of technological measures can and/or should be employed to safeguard against unauthorized access to, and use or retention of, copyrighted materials as a condition to eligibility for any distance education exemption, including, in light of developing technological capabilities, the exemption set out in section 110(2);

(7) the extent to which the availability of licenses for the use of copyrighted works in distance education through interactive digital networks should be considered in assessing eligibility for any distance education exemption; and

(8) such other issues relating to distance education through interactive digital networks that the Register considers appropriate.

SEC. 403. EXEMPTION FOR LIBRARIES AND ARCHIVES.

Section 108 of title 17, United States Code, is amended—

(1) in subsection (a) by—

(A) striking "Notwithstanding" and inserting "Except as otherwise provided and notwithstanding";

(B) inserting after "no more than one copy of phonorecord of a work" the following: "except as provided in subsections (b) and (c)."; and

(C) by inserting after "copyright" in clause (3) the following: "if such notice appears on the copy or phonorecord that is reproduced under the provisions of this section, or a legend stating that the work may be protected by copyright if no such notice can be found on the copy or phonorecord that is reproduced under the provisions of this section";

(2) in subsection (b) by—

(A) striking "a copy or phonorecord" and inserting in lieu thereof "three copies or phonorecords";

(B) striking "in facsimile form"; and

(C) striking "if the copy or phonorecord reproduced is currently in the collections of the library or archives." and inserting in lieu thereof "if—

"(1) the copy or phonorecord reproduced is currently in the collections of the library or archives; and

"(2) any such copy or phonorecord that is reproduced in digital format is not otherwise distributed in that format and is not made available to the public outside the premises of the library or archives in that format."; and

(3) in subsection (c) by—

(A) striking "a copy or phonorecord" and inserting in lieu thereof "three copies or phonorecords";

(B) striking "in facsimile form";

(C) inserting "or if the existing format in which the work is stored has become obsolete," after "stolen."; and

(D) striking "if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price." and inserting in lieu thereof "if—

"(1) the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price; and

"(2) any such copy or phonorecord that is reproduced in digital format is not made available to the public in that format except for use on the premises of the library or archives in lawful possession of such copy.";

(E) adding at the end the following: "For purposes of this subsection, a format shall be considered obsolete if the machine or device

necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace."

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REAR ADMIRAL KENDELL PEASE, USN

Mr. LOTT. Mr. President, I want to recognize and honor Rear Admiral Kendall Pease, United States Navy, as he prepares to retire upon completion of more than 34 years of faithful service to our great nation.

A Boston native, Rear Admiral Pease grew up in Natick, Massachusetts, enlisted in the United States Navy in 1963 and was selected to attend the United States Naval Academy. Upon graduation in 1968, he was commissioned an Ensign and began a distinguished career as a Public Affairs Officer. He initially served in the Republic of Vietnam and had follow-on public affairs assignments in Charleston, South Carolina; Naples, Italy; and Norfolk, Virginia. He served as the Public Affairs Officer for the Navy's Atlantic Fleet, the Naval Academy, and was assigned to multiple tours in Washington including the Department of Defense, the On-Site Inspection Agency and the Department of the Navy.

Since 1992, Rear Admiral Pease served as the Navy's Chief of Information. In this capacity, he has been instrumental in educating the American public about the Navy's role in protecting American interests around the world. During his watch, he led hundreds of successful efforts to communicate Navy operations in areas from A to Z, Albania to Zaire, including Bosnia, the Persian Gulf and Somalia. He also deserves tremendous credit for his efforts to communicate the need for very important Navy programs such as the SEAWOLF and NNSN submarine programs; CVN 77 and CVX; DDG 51 and DD 21; and Super Hornet. He accomplished all of this while navigating the Navy through a number of contentious issues, earning deep respect for his style of aggressively and honestly communicating all of the facts.

Most significantly, Rear Admiral Pease served as a passionate advocate for the Sailors in the Fleet—the men and women who serve far from home

anywhere, anytime, 24 hours a day, seven days a week. Their welfare was always his number one priority, for he truly understood that Sailors are the backbone of our nation's strategy of forward presence, and providing them with better internal communication would make for a more successful Sailor. He focused on improving the Navy's internal communication tools and methods—including improvements to the fleet-wide internal magazine (All Hands), the television program "Navy and Marine Corps News" shown each week aboard ships at sea, and a new program to take satellite television direct to Sailors at sea. Rear Admiral Pease made it his mission to ensure that opinion leaders and decision makers understood the special needs of Sailors and their families.

An individual of exceptional character and uncommon vision, this great Nation and our military are indebted to Rear Admiral Pease for his many years of outstanding service. I am proud, Mr. President, to thank him for his honorable service in the United States Navy and to wish him "fair winds and following seas" as he closes his distinguished military career.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you, Mr. President.

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. KEMPTHORNE. Mr. President, I stand today as the sponsor of Senate Resolution 201 designating May 15, 1998, as National Peace Officers Memorial Day.

This is the fifth year in a row that I have sponsored this resolution and I am proud to be joined this year by 62 of my Senate colleagues in honoring the brave men and women who serve this country as peace officers.

Mr. President, tomorrow we will be adding the names of 159 officers to the National Law Enforcement Officers Memorial. Since the inception of this memorial, 14,662 peace officers names have been inscribed on the wall. I am also pleased to share with my Colleagues that tomorrow, at the State Police complex in Meridian, Idaho, the State will dedicate its own Law Enforcement Memorial to those Idahoans who have paid the ultimate sacrifice.

These memorials, and others around the nation, serve as proof that the individuals who serve this nation as our guardians of peace do so at great personal risk. There are few communities in America that have not been touched by the senseless death of a peace officer by violent means. Last year, two communities in Idaho experienced the tragic deaths of two very talented and brave officers. I would like to share with you the sacrifices these men gave to protect the sanctity of their communities. It is my hope that while I relay

their stories each of us would realize the important role that peace officers play in our everyday lives.

While searching for the body of an 18 month old infant who had been lost in the Salmon River, William Inman, a Lemhi County deputy Sheriff, was killed when his hyper-light aircraft struck an unmarked power line and he tragically plunged into the river.

Deputy Inman devoted his entire life to being an excellent police officer. He was a Sergeant in the police force in Peoria, Illinois, where he retired in order to become the Chief of Police in Farmington. After retiring from the Farmington force he moved to Salmon, Idaho, where he went to work as Sheriff's Deputy for Lemhi County. After his death deputy Inman was inducted posthumously into the American Police Hall of Fame.

William Inman was a father of four children: Maria, Tracy, Jeff and Jennifer and was a loving husband to his wife Donna. Along with spending as much time with his family as he could, Bill was an avid outdoorsman.

Bill Inman will be greatly missed by many, many people.

The second tragedy struck Idaho's capital city of Boise in the early morning hours of September 20, 1997. Boise Police Officer Mark Stall pulled over a car bearing Pennsylvania plates that had committed a traffic violation. The driver and passenger of the vehicle refused to cooperate with Officer Stall's requests, when the driver suddenly removed a gun from under his coat and shot Officer Stall. Officer Stall, inflicted with a mortal gunshot wound, fell back to his patrol vehicle for cover and continued firing at the men in order to protect other Bosie officers in the ensuing gunfight. Both Officer Mark Stall and the two assailants were killed. Mark Stall's sacrifice protected not only the officers at the scene but the entire community, when a search of the suspect's residence revealed an arsenal of guns and explosive materials. You know it was not for peaceful purposes.

Officer Stall was an exemplary police officer and set the standard for other officers both in Boise and around the nation. He was a loving father to his daughters Jonelle and Julia, and a devoted husband and best friend to his wife, Cheryl. Officer Stall was committed to his family, his community, his job and above all his God. I would like to share with you an excerpt from an Idaho Statesman article that outlines the lives of Idaho Peace Officers. In the article Officer Heath Compton characterized his hero, Mark Stall. "One night quite a while back, I was driving down State Street in my patrol car, when a Boise police officer shined his spotlight in my face. I stopped to talk with him. I had never met the officer before, but realized quickly that he was very likable. He introduced himself as Mark Stall. Over the next several months, I got to know Mark quite well. What I learned was that Mark loved

God, his family, the people he worked for and with. He always had a smile on his face and a good word."

The bravery and commitment to community that these men possessed will be carried on by their families. I am pleased to say that I have had the opportunity to spend time with the families of both officers.

I met with the Inman family this morning, and yesterday I met with the Stall family, with his wife and his daughters and also with his mother and father, with his mother-in-law and father-in-law, brothers and sisters and all of their children. What a beautiful family. The only thing that was missing was Mark. But you can see the blessing that Mark had given to that family because of the wonderful memories of a great man. He will be missed greatly by his community and by his family, but every life that Mark touched will be blessed because of his being here.

The strength and perseverance that is exemplified by each of them is an inspiration to me. My thoughts and prayers go out to these families and others that have been devastated by this type of senseless loss.

This resolution is not the answer to the meaningless violence that occurs in our communities but it is a small attempt to celebrate and memorialize the lives of the officers who serve and protect us. I would like to thank my colleagues for their cosponsorship and would like to again thank the officers and the families that have come from all fifty states to our Nation's capital on this special day to eulogize these officers that have given the greatest sacrifice of all—their lives—in the performance of their duties.

Mr. President, I know I speak for all Senators and for Americans when I salute the peace officers of America in all the communities, large and small. When they perform their duties, they are not sure what the outcome will be. They are never sure if it is going to be a peaceful stop or one that ends in violence and the loss of life.

I know many of the police officers throughout my State of Idaho. I am proud to know each and every one of them, and I pray for their safety and that the officers will return safely to their families.

It is an honor to serve here, with all of the police officers on Capitol Hill who we come to know personally. Again, they are an outstanding group of peace officers, as they are throughout this Nation.

Today, Mr. President, I thank the Senate for properly acknowledging the role of peace officers and saying to the Inman family and to the Stall family, thank you for your sacrifice. God bless you and may you have peace in the days that follow.

Thank you, Mr. President.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 13, 1998, the federal debt